

RABAN & RABAN

— LLC —

Attorneys at Law

REGINALD J. RABAN (Retired)

JAMES S. RABAN*▲

11710 Long Beach Blvd.

Haven Beach, NJ 08008

MEMBER OF NJ BAR *

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Email: jraban@regraban.com

April 11, 2022

Via Hand Delivery and Email Lubsecretary@beachhaven-nj.gov

LUB Secretary

Beach Haven Land Use Board

300 Engleside Ave.

Beach Haven, NJ 08008

Re: Fryer Sidewalk Waiver Proposal
Block 1, Lot 31.02
1920 Virginia Ave., Beach Haven, NJ 08008

Dear Sir/Madam:

Enclosed please find the following with regard to the above referenced matter:

- (x) 5 copies of Land Use Development Application
- (x) 5 copies of Plot Plan prepared by Leon Tyszka of Nelke/Tyszka Land Surveyors, LLC
- (x) Public Notice
- (x) Affidavit of Ownership
- (x) Check No.: 2537 Amount \$100.00 Administrative Fee
- (x) Check No.: 2538 Amount \$1,500.00 Escrow Account Deposit
- (x) Please consent and/or approve for public hearing on May 2, 2022 at 6:00 p.m.

Very truly yours,


JAMES S. RABAN

JSR/dh

Encl.

Cc: Bruce and Amy Fryer (via email)
Leon Tyszka (via email)
Frank J. Little, Jr., P.E., P.P., C.M.E. (via email and regular mail)
Robert Shinn, Esq. (via email and regular mail)

LAND USE DEVELOPMENT APPLICATION

BOROUGH OF BEACH HAVEN
BAY AVENUE AND ENGLSIDE AVENUE
BEACH HAVEN, NEW JERSEY 08008
(609) 492-0111

TO BE COMPLETED BY BOROUGH STAFF ONLY

Date Filed _____ Docket No. _____
Application Fees _____ Escrow Deposit _____
Scheduled for: Review of Completeness _____ Hearing _____

1. SUBJECT PROPERTY - TO BE COMPLETED BY APPLICANT

Location: 1920 Virginia Ave., Beach Haven, NJ 08008
Tax Map Page 2 Block 1 Lot 31.02
Dimensions Frontage: 150 ft. Depth: 200 ft. (irregular) Total Area: > 15,500 sq. ft.

Zoning District: RSA South Single-Family Residential District

2. APPLICANT

Name: Bruce Fryer and Amy Fryer

Address: 1920 Virginia Ave.

Telephone Number: Home: 610-724-9688

Local:

Work:

Fax:

Applicant is a Corporation

Partnership

Individual X

Other (Please Specify):

Social Security Number / Federal ID Number

3. DISCLOSURE STATEMENT

Pursuant to N.J.S. 40:55D-48.1, the names and address of all persons owning 10% of the stock in a corporate application or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed (attach pages as necessary to fully comply.)

Name: N/A

Interest:

Address:

Name:

Interest:

Address:

APPLICANT IS RESPONSIBLE FOR PAYMENT OF ALL PROFESSIONAL REVIEW FEES, INCLUDING THE ENGINEERING AND ATTORNEY. ALL ENGINEERING AND LEGAL FEES MUST BE PAID BEFORE CONSTRUCTION OR ZONING PERMITS CAN BE ISSUED.

4. If owner (s) is other than the applicant, provide the following information on the Owner (s):

Owner's Name: Owner is same as Applicant

Address:

Telephone Number: Home: Work: Local:

Relationship of the applicant to the property in question:

Owner X Lessee Purchaser Under Contract : Other

5. PROPERTY INFORMATION:

Deed restrictions, covenants, easements, rights of way, association by-laws, or other dedication existing or proposed on the property:

Yes No X Proposed

Note: All Deed Restrictions, Covenants, Easements, Rights of Ways, Association By-Laws, or other dedications existing and proposed must be submitted for review.

Site Plan and / or conditional use applicants: N/A

Proposed for: Expanded Area Alteration

Expansion of Structure Change of Use Sign

Other (please specify):

Has this property been the subject of any prior application (s) to the Planning Board or Zoning Board of Adjustment? Yes No X

If so, please attach the date (s), the relief sought, the disposition of the case and a copy of the resolution (s).

Is the subject property located on:

A County Road: Yes No X ; A State Road: Yes No X ;
within 200 feet of a municipal boundary: Yes No X

Present use of the premises: A single-family dwelling is currently being constructed on the property.

6. Applicant's Attorney JAMES S. RABAN

Address 11710 Long Beach Blvd., Haven Beach, NJ 08008

Telephone Number (609) 492 - 0533 Fax Number (609) 492 - 0464

7. Applicant's Engineer/Surveyor Nelke/Tyszka Land Surveyors, LLC

Address 382 W. 9th Street, Suite 4, Ship Bottom, NJ 08008

Telephone Number: 609-494-3474 Fax Number: 609-361-9231

8. Applicant's Planning Consultant: N/A

Address

Telephone Number

Fax Number

9. Applicant's Architect: N/A

Address:

Telephone Number:

Fax Number

10. List any other Expert who will submit a report or who will testify for the Applicant: (Attach additional sheets as may be necessary): N/A

Name

Field of Expertise

Address

Telephone Number

Fax Number

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION: N/A

Minor Subdivision Approval

Subdivision Approval (Preliminary)

Subdivision Approval (Final)

Number of Lots to be created:

Number of proposed Dwelling:

Area and Dimensions of each Proposed Lot:

SITE PLAN: N/A

Minor Site Plan Approval

Preliminary Site Plan Approval

[Phases (if applicable)]

Final Site Plan Approval

[Phases (if applicable)]

Amendment or Revision to an Approved Site Plan

Area to be disturbed (square feet)

Total number of proposed dwelling units:

INFORMAL REVIEW

APPEAL DECISION OF AN ADMINISTRATIVE OFFICER [N.J.S. 40:55d-70A]

MAP OR ORDINANCE INTERPRETATION OR SPECIAL QUESTION [N.J.S. 40:55D-70B]

VARIANCE RELIEF (HARDSHIP) [N.J.S. 40:55D-70C(1)]

VARIANCE RELIEF (SUBSTANTIAL BENEFIT) [N.J.S. 40:55D-70C (2)]

VARIANCE RELIEF (USE) [N.J.S. 40:55D-70D]

CONDITIONAL USE APPROVAL [N.J.S. 40:55D-67]

DIRECT ISSUANCE OF A PERMIT FOR A STRUCTURE IN BED OF A MAPPED STREET, PUBLIC DRAINAGE WAY, OR FLOOD CONTROL BASIN [N.J.S. 40:55D-34]

DIRECT ISSUANCE OF A PERMIT FOR A LOT LACKING STREET FRONTAGE [N.J.S. 40:55D-35]

X WAIVER FROM BOROUGH ORDINANCE

12. Section (s) of Ordinance from which a variance is requested:

None. A waiver is requested under Number 13 below.

13. Waivers Requested of development Standards and/or Submission Requirements: (attach additional pages as needed): The Applicant reserves the right to request waivers if necessary.

Section 176-14 (A)(1) requires curbs and sidewalks to be installed prior to the issuance of a certificate of occupancy on all new construction or substantial improvement of property. The Applicant seeks a waiver from the requirement to install a sidewalk on Virginia Avenue and Leeward Avenue.

14. ATTACH A COPY OF THE PROPOSED NOTICE TO APPEAR IN THE OFFICIAL NEWSPAPER OF THE MUNICIPALITY AND TO BE MAILED TO THE OWNERS OF ALL REAL PROPERTY, AS SHOWN ON THE CURRENT TAX DUPLICATE, LOCATED WITHIN THE STATE AND WITHIN 200 FEET IN ALL DIRECTIONS OF THE PROPERTY WHICH IS THE SUBJECT OF THIS APPLICATION. THE NOTICE MUST SPECIFY THE SECTIONS OF THE ORDINANCE FROM WHICH RELIEF IS SOUGHT, IF APPLICABLE.

The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the administrative officer for the hearing. A copy of the proposed notice is attached.

15. An Affidavit of Service on all property owners and a Proof of Publications must be filed before the Application will be complete and the hearing can proceed.

Explain in detail the exact nature of the Application and the changes to be made at the premises, including the proposed use of the premises: (Attach pages as needed)

Applicant has owned the property since February 28, 2020 and is in the process of constructing a new single-family dwelling on the property. A waiver of the sidewalk requirement is sought with regard to the frontage of Applicant's property on both Virginia Avenue and Leeward Avenue. There are no sidewalks on Virginia Avenue or Leeward Avenue in the area of the Applicant's property.

16. Is a public water line available? Yes
17. Is public Sanitary Sewer available? Yes
18. Does the application propose any lighting? Normal residential lighting
19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate Lot and Block number? N/A
20. Are any Off-Tract Improvements required or proposed? No
21. Is the Subdivision to be filed by Deed or Plat? N/A
22. What form of security does the applicant propose to provide as performance and maintenance guarantees?
- N/A

23. OTHER APPROVALS WHICH MAY BE REQUIRED AND DATE PLANS SUBMITTED:

	YES	NO	DATE PLANS SUBMITTED
LOCAL FIRE PREVENTION		X	
BEACH HAVEN WATER & SEWER DEPT.		X	
BEACH HAVEN PUBLIC WORKS DEPT.		X	
LONG BEACH ISLAND HEALTH DEPT.		X	
OCEAN COUNTY PLANNING BOARD		X	
OCEAN COUNTY SOIL CONSERVATION DEPT.		X	
N.J. DEPT. ENVIRONMENTAL PROTECTION		X	
SANITARY SEWER CONNECTION PERMIT		X	
SEWER EXTENSION PERMIT		X	
WATERFRONT DEVELOPMENT PERMIT		X	
WETLANDS PERMIT		X	
TIDAL WETLANDS PERMIT		X	
F.E.M.A.		X	
N.J. DEPT. OF TRANSPORTATION		X	
ATLANTIC ELECTRIC		X	
N.J. NATURAL GAS		X	
OTHER			

24. CERTIFICATION FROM THE TAX COLLECTOR THAT ALL TAXES DUE ON THE SUBJECT PROPERTY HAVE BEEN PAID.

25. LIST OF MAPS, REPORTS AND OTHER MATERIALS ACCOMPANYING THE APPLICATION (attach additional pages as required for complete listing)

THE DOCUMENTATION MUST BE RECEIVED BY THE BOARD SECRETARY AT LEAST TWENTY-ONE (21) DAYS PRIOR TO THE MEETING AT WHICH THE APPLICATION IS TO BE CONSIDERED. A LIST OF THE PROFESSIONAL CONSULTANTS IS ATTACHED TO THE APPLICATION FORM.

<u>Quantity</u>	<u>Description of Item</u>
5 copies	Land Use Development Application
5 copies	Plot Plan of Survey prepared by Nelke/Tyszka Land Surveyors, LLC

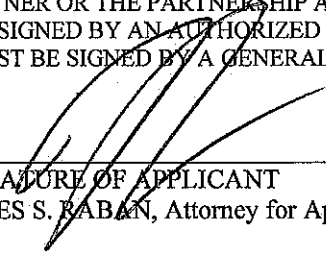
26. THE APPLICANT HEREBY REQUESTS THAT COPIES OF THE REPORTS OF THE PROFESSIONAL STAFF REVIEWING THE APPLICATION PROVIDED TO THE FOLLOWING OF THE APPLICANT'S PROFESSIONALS:

SPECIFY WHICH REPORTS ARE REQUESTED FOR EACH OF THE APPLICANT'S PROFESSIONALS OR WHETHER ALL REPORTS SHOULD BE SUBMITTED TO THE PROFESSIONAL LISTED.

	Applicant's Professional	Reports Requested									
<u> x </u>	Attorney	<u>All Reports</u>									
<u> x </u>	Engineer	<u>All Reports</u>									
<u> N/A </u>	Architect	<u>All Reports</u>									
27.	CHECK LISTS USED	<table> <tr> <td>SCHEDULE A</td><td>YES X</td><td>NO</td></tr> <tr> <td>SCHEDULE B</td><td>YES</td><td>NO X</td></tr> <tr> <td>SCHEDULE C</td><td>YES X</td><td>NO</td></tr> </table>	SCHEDULE A	YES X	NO	SCHEDULE B	YES	NO X	SCHEDULE C	YES X	NO
SCHEDULE A	YES X	NO									
SCHEDULE B	YES	NO X									
SCHEDULE C	YES X	NO									

CERTIFICATIONS

28. I CERTIFY THAT THE FOREGOING STATEMENTS AND THE MATERIALS SUBMITTED ARE TRUE, AND WAIVE ALL APPLICABLE TIME LIMITS UNTIL THE FIRST PUBLIC HEARING OF THIS APPLICATION. I FURTHER CERTIFY THAT I AM THE INDIVIDUAL APPLICANT OR THAT I AM AN OFFICER OF THE CORPORATE APPLICANT AND THAT I AM AUTHORIZED TO SIGN THE APPLICATION FOR THE CORPORATION OR THAT I AM A GENERAL PARTNER OR THE PARTNERSHIP APPLICANT. (IF THE APPLICANT IS A CORPORATION, THIS MUST BE SIGNED BY AN AUTHORIZED CORPORATE OFFICER, IF THE APPLICANT IS A PARTNERSHIP, THIS MUST BE SIGNED BY A GENERAL PARTNER)

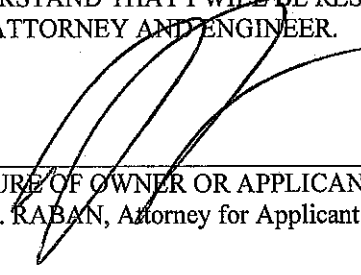


 SIGNATURE OF APPLICANT
 JAMES S. RABAN, Attorney for Applicant

29. I UNDERSTAND THAT A SUM, TO BE DETERMINED, WILL BE DEPOSITED IN AN ESCROW ACCOUNT, IN ACCORDANCE WITH THE ORDINANCES OF THE BOROUGH OF BEACH HAVEN. I FURTHER UNDERSTAND THAT THE ESCROW ACCOUNT IS ESTABLISHED TO COVER THE COST OF PROFESSIONAL SERVICES INCLUDING ENGINEERING, PLANNING, LEGAL AND/OR OTHER EXPENSES ASSOCIATED WITH THE REVIEW OF SUBMITTED MATERIALS. SUMS NOT UTILIZED IN THE REVIEW PROCESS SHALL BE RETURNED. IF ADDITIONAL SUMS ARE DEEMED NECESSARY, I UNDERSTAND THAT I WILL BE NOTIFIED OF THE REQUIRED ADDITIONAL AMOUNT AND SHALL ADD THAT SUM TO THE ESCROW ACCOUNT WITHIN FIFTEEN (15) DAYS. I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR PAYING FEES DUE TO THE LAND USE BOARD ATTORNEY AND ENGINEER.

4/11/22

 DATE



 SIGNATURE OF OWNER OR APPLICANT
 JAMES S. RABAN, Attorney for Applicant

BOROUGH OF BEACH HAVEN PROFESSIONAL CONSULTANTS

LAND USE BOARD ATTORNEY

Robert G. Shinn, Esquire
Woodland, Mc Coy & Shinn, LLC
2 North Union Street
P.O. Box 134
Manahawkin, NJ 08050

(609) 597-5666
FAX: (609) 597-3832

ENGINEER

Frank J. Little, Jr. P.E., P.P.
Owen, Little & Associates, Inc.
443 Atlantic City Boulevard
Beachwood, NJ 08722

(732) 244-1090
FAX: (732) 341-3412

BOROUGH ATTORNEY

Bruce W. Padula, Esquire
5 Ravine Drive P.O. Box 533
Matawan, New Jersey 07747

(732) 583-7474
FAX: (973) 845-6700

PUBLIC NOTICE

BOROUGH OF BEACH HAVEN

Public notice is hereby given that Bruce Fryer and Amy Fryer (collectively, the "Applicant") have applied to the Land Use Board of the Borough of Beach Haven, Ocean County, New Jersey for a waiver from a Borough ordinance requiring the installation of sidewalks prior to the issuance of a certificate of occupancy on all new construction or substantial improvement of property. The Applicant is currently constructing a new single-family dwelling on the property designated as Lot 31.02 in Block 1 on the Tax Map of the Borough of Beach Haven, located at 1920 Virginia Avenue, and seeks a waiver from the requirement to install a sidewalk along the Virginia Avenue and Leeward Avenue frontages of the property.

If the Board determines that any additional variances, waivers or exceptions are necessary or appropriate, then such variances, waivers, or exceptions will be requested at the hearing.

A public hearing has been scheduled for May 2, 2022 at 6:00 p.m., at which time any interested persons may appear and have an opportunity to be heard on this application. As a result of the COVID-19 pandemic, the meeting will be conducted remotely via Zoom. To access the virtual hearing, you must join the Zoom meeting. To access the Zoom meeting, you will need access to a computer with internet access and/or dial in through a mobile or land line phone to log into the meeting. The following is the information required to access the meeting:

Join Zoom Meeting

<https://us02web.zoom.us/j/87277492681>

Meeting ID: 872 7749 2681

You will join the meeting and be able to listen and view the evidence shared on the screen at the meeting. Additionally, you will be able to access all documents pertaining to this

application and all files for the meeting on the Borough of Beach Haven Website found here
<https://beachhaven-nj.gov/government/land-use-board/>

You will be able to participate when the Board Chairwoman opens the meeting to the public for the public participation portion of the meeting at the end of the Applicant's presentation for you to ask questions and or cross examine witnesses and make statements. If you have information or exhibits that you wish to be considered and entered into the record, please email them to the Land Use Board Secretary, at Lubsecretary@beachhaven-nj.gov in advance of the meeting to enable them to be marked for identification.

If you are unable to access the information for the application(s) via computer, or need assistance in logging on or using this technology, you may contact the Land Use Board Secretary, Lauren Caravano, at 609-492-0111 extension 213 or via email at Lubsecretary@beachhaven-nj.gov. If you wish a particular file to be emailed or mailed to you, you must request that with 72 hours advanced notice. Please also visit the Borough of Beach Haven webpage at <https://beachhaven-nj.gov/government/land-use-board/> for the latest updates regarding future Land Use Board Meetings and any updates regarding this meeting since the publication of this notice.

James S. Raban
Attorney for the Applicant

File # 3512



AFFIDAVIT OF OWNERSHIP BY AN INDIVIDUAL

STATE OF NEW JERSEY :

COUNTY OF OCEAN : SS

Bruce and Amy Fryer of full age, being duly sworn according to law, on oath deposes and says that he or she resides at 1920 Virginia Ave., in the Municipality of Beach Haven, County of Ocean and the State of New Jersey that he or she is the owner in fee simple, of all that certain lot, tract, or parcel of land, situated, lying and being in the Borough of Beach Haven, Ocean County, State of New Jersey, and known and designated as LOT: 31.02, BLOCK: 1 and that he or she hereby authorizes and appoints James Raban as his or her attorney, in fact, to make the within Application on his or her behalf to the Land Use Board of the Borough of Beach Haven, Ocean County, State of New Jersey.

Bruce Fryer
SIGNATURE OF OWNER/APPLICANT

3/21/22
DATE

Amy Fryer
SIGNATURE OF OWNER/APPLICANT

3/21/22
DATE

Sworn to and subscribed
Before me this 21st day
of March
2022.

[Signature]
NOTARY PUBLIC

